

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3820 of 1990

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HIMATNAGAR NAGRIK SAHAKARI BANK LTD.

Versus

REGIONAL PROVIDENT FUND COMMISSIONER

Appearance:

MR SHAILESH C PARIKH for Petitioner

MR JD AJMERA for Respondent No. 1

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 13/10/97

ORAL JUDGMENT

1. Challenge has been made by petitioner to the order of the respondent dated 30th April 1990, passed under section 14-B of the Employees' Provident Funds & Miscellaneous Provisions Act, 1952, annexure 'D' to this Special Civil Application.

2. This order is appealable under section 7-I of the

aforesaid Act. Under section 7-D of this Act, a Tribunal has already been constituted by the Central Government. For the reasons and grounds given out in the Special Civil Application No.2454 of 1989 decided by this Court on 9.10.97, this Special Civil Application is not maintainable.

3. In the result, this Special Civil Application is dismissed only on the ground of availability of alternative remedy of appeal to the petitioner under section 7-I of the aforesaid Act. In case the petitioner files an appeal against the impugned order within a period of one month from today, the Tribunal shall not dismiss the same only on the ground of limitation and shall decide the same on merits. Interim relief, if any, granted by this Court, stands extended for six weeks. However, it shall be open to the Tribunal to consider the question of continuation of interim relief for further period in accordance with law and while considering this question, the Tribunal may not be influenced by the fact that this Court has granted interim relief in favour of the petitioner. The Special Civil Application is dismissed subject to aforesaid directions. Rule discharged. No order as to costs.

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(sunil)